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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ROBERT STEPHENS, JR.,

No. CV 18-10304 PA (DFMx)

Plaintiff,

V.

CONSENT PROTECTIVE ORDER PERTAINING TO PRIVACY ACT INFORMATION

CHAD WOLF, ACTING
SECRETARY, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY¹

[Discovery Document: Referred to
Magistrate Judge Douglas F. McCormick]

Defendant.

¹ Pursuant to Fed. R. Civ. P. 25(d), Chad Wolf, Acting Secretary for Homeland Security is automatically substituted for his predecessor-in-interest.

1 For the purpose of protecting the privacy of the United States Department of
2 Homeland Security's employees and applicants against the unreasonable and unprotected
3 disclosure of information pertaining to them and in accordance with the provisions and
4 objectives of the Privacy Act of 1974, 5 U.S.C. § 552a (1976), it is hereby ORDERED
5 pursuant to 5 U.S.C. § 552a(b)(11) and Rule 26(c) of the Federal Rules of Civil
6 Procedure:

7 1. This Order applies to, governs, and directs the disclosure in the course of this
8 action, under the Federal Rules of Civil Procedure, of all records which are either
9 covered by the Privacy Act or otherwise contain personal information regarding
10 individuals other than Plaintiff and which are encompassed by the Federal Rules
11 requiring disclosure or are reasonably necessary or useful to respond to the Plaintiff's
12 formal discovery, such as non-party employee disciplinary histories, personnel actions,
13 and other personal information. However, this Order neither addresses nor overrules any
14 objections to discovery made pursuant to the Federal Rules of Civil Procedure on any
15 basis other than personal privacy. This Order permits Defendant to meet its disclosure
16 and discovery obligations by disclosing to Plaintiff or Plaintiff's attorneys those files and
17 documents, or information from those files and documents, reasonably calculated to
18 fulfill those obligations without requiring Defendant to pre-screen each document for
19 Privacy Act objections and present those objections to this Court for a decision regarding
20 disclosure.

21 2. The records or the information obtained from those records shall be disclosed by
22 Defendant only to Plaintiff and/or his attorney. Plaintiff and/or his attorney shall be
23 allowed to copy any such records but shall not disclose them or any information obtained
24 from them to any person unless such disclosure is reasonably calculated in good faith to
25 aid the preparation or prosecution of litigation against Defendant. Plaintiff and/or his
26 attorney shall ensure that any person to whom disclosure may be made shall, prior to

1 such disclosure, be informed of the terms of this Order. Any person to whom such
2 disclosure is made and who is aware of this Order shall be bound by the terms of this
3 Order.

4 3. No person to whom a record covered by this Order is disclosed by Plaintiff or
5 Plaintiff's attorney shall make a copy of the record unless copying reasonably promotes
6 the preparation for and trial of this litigation. Neither Plaintiff, his attorney, nor any
7 individual to whom they make disclosure shall disclose a record covered under this
8 Order and information contained in or derived from such a record except for the
9 purposes of preparing for and prosecuting this litigation.

10 4. Upon conclusion of this action (including appeals), all records or copies of records
11 (except copies of documents accepted into evidence) secured from the Defendant or its
12 agents and protected by the terms of this Order shall within a reasonable period either be
13 returned to Defendant or destroyed by Plaintiff.

14 5. Nothing in this Order constitutes any decision by the Court concerning discovery
15 disputes, the admission into evidence of any specific document, or liability for payment
16 of any costs of production or reproduction, nor does the Order constitute a waiver by
17 Defendant of his right to object to the discovery of or admission into evidence of any
18 record or information subject to this Order. By consenting to this Order, neither party
19 waives any of its positions respecting either the facts or the law applicable to this
20 litigation.

21 **GOOD CAUSE STATEMENT**

22 Good cause exists for the entry of this protective order, because unprotected
23 disclosure of non-party employee disciplinary histories, personnel actions, and other
24 personal information would be an undue burden on Defendant and could result in
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26 \\\

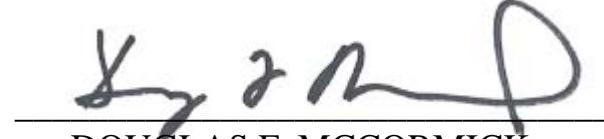
1 unnecessary harm to these employees, including embarrassment and invasion of their
2 privacy. *See* Fed. R. Civ. P. 26(c)(1).

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4 Dated this 3rd day of February, 2020.

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DOUGLAS F. MCCORMICK
UNITED STATES DISTRICT JUDGE

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